

EXHIBIT 3

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Case No. 17-OP-45004 (N.D. Ohio)

THE COUNTY OF CUYAHOGA, OHIO, and
STATE OF OHIO EX REL., PROSECUTING
ATTORNEY OF CUYAHOGA COUNTY,
MICHAEL C. O'MALLEY,

Plaintiffs,

vs.

PURDUE PHARMA L.P., PURDUE
PHARMA INC., THE PURDUE FREDERICK
COMPANY, INC., ENDO HEALTH
SOLUTIONS INC., ENDO
PHARMACEUTICALS, INC., JANSSEN
PHARMACEUTICALS, INC., JANSSEN
PHARMACEUTICA, INC. n/k/a JANSSEN
PHARMACEUTICALS, INC., NORAMCO,
INC., ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC. n/k/a JANSSEN
PHARMACEUTICALS, INC., JOHNSON &
JOHNSON, TEVA PHARMACEUTICAL
INDUSTRIES LTD., TEVA
PHARMACEUTICALS USA, INC.,
CEPHALON, INC., ALLERGAN PLC f/k/a
ACTAVIS PLC, ALLERGAN FINANCE LLC,
f/k/a ACTAVIS, INC., f/k/a WATSON
PHARMACEUTICALS, INC., WATSON
LABORATORIES, INC., ACTAVIS LLC,
ACTAVIS PHARMA, INC. f/k/a WATSON
PHARMA, INC., INSYS THERAPEUTICS,
INC., MALLINCKRODT PLC,
MALLINCKRODT LLC, CARDINAL
HEALTH, INC., McKESSON

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**PLAINTIFFS THE COUNTY OF
CUYAHOGA, OHIO AND THE STATE
OF OHIO *EX REL.* PROSECUTING
ATTORNEY OF CUYAHOGA
COUNTY, MICHAEL C. O'MALLEY'S
RESPONSES AND OBJECTIONS TO
DISTRIBUTOR DEFENDANTS'
SECOND SET OF
INTERROGATORIES**

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CORPORATION, AMERISOURCEBERGEN
CORPORATION, HEALTH MART
SYSTEMS, INC., H. D. SMITH, LLC d/b/a
HD SMITH, f/k/a H.D. SMITH
WHOLESALE DRUG CO., H. D. SMITH
HOLDINGS, LLC, H. D. SMITH HOLDING
COMPANY, CVS HEALTH
CORPORATION, WALGREENS BOOTS
ALLIANCE, INC. a/k/a WALGREEN CO.,
and WAL-MART INC. f/k/a WAL-MART
STORES, INC.,

Defendants.

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt. No. 232), The County of Cuyahoga, Ohio and the State of Ohio *Ex Rel.* Prosecuting Attorney of Cuyahoga County, Michael C. O'Malley, ("Plaintiff") hereby responds to Distributor Defendants'¹ Second Set of Interrogatories (the "Interrogatories" and, each individually, a "Interrogatory"), as follows:

OBJECTIONS

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the objections applicable to information falling within the scope of such Interrogatory.

1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seek information that is not relevant to any party's claim or defense, or seeks to impose obligations or require actions beyond those required by the Rules of Civil Procedure, the

¹ The Distributor Defendants are Amerisource Drug Corporation, Cardinal Health, and McKesson Corporation (collectively, "Distributors").

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ESI Protocol entered in this matter or the Local Rules of the United States District Court of the Northern District of Ohio.

2. Plaintiff objects to each Interrogatory to the extent they seek information restricted from dissemination pursuant to court order, statute or regulation, without the entry of an appropriate Protective Order. Further, Plaintiff's responses to the Interrogatories are not intended to waive, and does not constitute any waiver of, any objection to the admissibility, authenticity, competency or relevance of the information identified.

3. These responses are made solely for the purpose of and in relation to this action. Each answer is given subject to all appropriate objections, which would require the exclusion at trial of any statement contained provided herein. All such objections and the grounds therefore are hereby reserved.

4. No admission of any nature whatsoever is to be implied or inferred in these responses. The fact that any of the Interrogatories herein may have been answered should not be taken as an admission or a concession of the existence of any facts set forth or assumed by the Interrogatories, or that such answer constitutes evidence of any fact thus set forth or assumed.

5. Plaintiff objects to each Request to the extent Plaintiff has not yet completed its investigation of the facts relating to this action and has not yet completed its preparation for trial. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time.

6. Plaintiff objects to each Interrogatories to the extent they purport to require Plaintiff to provide information that is in the public domain or otherwise available to Distributors as easily from other sources as from Plaintiff.

7. Plaintiff objects to each Interrogatory to the extent they purport to state facts, assumptions, or characterizations that are disputed.

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8. Plaintiff objects to each Interrogatory to the extent they seek information more appropriately obtained through other methods of discovery.

9. Plaintiff objects to each Interrogatory to the extent that they seek information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, “Privileged Information”).

10. Plaintiff objects to each Interrogatory to the extent they seek confidential investigative, personal, or health information in Plaintiff’s possession, custody, or control (collectively, “Confidential Information”).

11. Whenever in the responses Plaintiff employs the phrase “subject to and without waiving all objections,” Plaintiff is responding to the Interrogatory as it may be narrowed by its objections and without waiver of any objection.

12. Any response stating that Plaintiff will provide information shall be deemed followed by the phrase “as are within Plaintiff’s possession, custody, or control.”

13. Plaintiff objects to each Interrogatory to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that it states or assumes legal conclusions. In providing these objections and responses, Plaintiff does not admit the factual or legal premise of any Interrogatory.

14. Plaintiff objects to each Interrogatory to the extent they seek information that is not within Plaintiff’s possession, custody, or control, seek documents that do not already exist, or which purport to require a response by Plaintiff on behalf of an entity or individual other than Plaintiff.

15. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections in the event that additional information becomes available.

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16. Plaintiff intends to complete its responses by the time agreed upon by the parties for the completion of discovery, or by the date ordered by the Court. Upon request by the requesting party, Plaintiff is willing to meet and confer regarding its responses to the Interrogatory. All final decisions regarding whether any information will be withheld pursuant to any objection shall be made, and notice thereof provided, before the completion of written discovery.

NON-WAIVER

1. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this Action or any other action.

2. If Plaintiff, in response to any Interrogatory, inadvertently produces information that is or could be the subject of the objections stated herein, such information is not intended to be, nor is it deemed to be, a waiver of the objections with respect to such information produced or withheld.

3. Plaintiff's failure to object to a specific Interrogatory on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional grounds.

4. Plaintiff responds herein based upon information it has been reasonably able to gather at the time of making these responses. Plaintiff reserves its right to amend and/or to supplement its objections and responses to the Interrogatories, consistent with further investigation and discovery.

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SPECIFIC RESPONSES AND OBJECTIONS

Interrogatory No. 12:

Identify every Person likely to have discoverable information related to Your claims, including, but not limited to, every Person upon whom You intend to rely in proving Your claims on summary judgment or at trial, and every Person likely to have discoverable information that supports or contradicts a position or claim that You have taken or intend to take in this action. For every Person named in response to this Interrogatory, state the subject matter of the information possessed by that Person.

Response to Interrogatory No. 12:

Plaintiff objects that this Interrogatory as overly broad and unduly burdensome in that it seeks “every Person likely to have discoverable information that support or contradicts a position or claim that You have taken or intend to take in this action.” Read literally, this Interrogatory could include every employee and citizen of Cuyahoga County, as well as every employee of the Distributors.

Plaintiff further objects in that this interrogatory asks for witness lists in advance of the completion of fact discovery that is underway, expert discovery that is upcoming and deadlines set pursuant to Case Management Order No. 1, paragraphs 3(e)(ii), 3(f), 3(h), and 3(i). Plaintiff objects based on undue burden to the extent this interrogatory seeks the disclosure and discovery of fact and expert witnesses prior to the express provisions of Case Management Order No. 1. Plaintiff objects in that this interrogatory seeks to require Plaintiff to disclose witnesses contrary to the discovery procedures set forth in Case Management Order No. 1, paragraph 9(b). Plaintiff objects to the extent this interrogatory asks for persons already identified in Plaintiff’s prior discovery responses.

Subject to and without waiving all objections, Plaintiff responds as follows: the table provided below identifies document custodians, employees, or representatives who are likely to have discoverable information.

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Department	Custodian	Title	Subject Matter
Health and Human Services	Dave Merriman	Assistant Director	Knowledge of the impact of the opioid crisis on Cuyahoga County Health and Human Services
Health and Human Services	Walter Parfejewiec	Director	Knowledge of the impact of the opioid crisis on Cuyahoga County Health and Human Services
Economic Opportunity and Growth	Matt Carroll	Chief Economic Opportunity and Growth Officer	Knowledge of the impact of the opioid crisis on Cuyahoga County
Office of Early Childhood	Rebekah Dorman	Director	Knowledge of the impact of the opioid crisis on the Office of Early Childhood
Health and Human Services – Family Services	Cynthia Weiskittel	Director	Knowledge of the impact of the opioid crisis on the Office of Health and Human Services – Family Services
Office of Homeless Services	Ruth Gillette	Director	Knowledge of the impact of the opioid crisis on the Office of Homeless Services
Office of Child Support	Deborah Watkins	Director	Knowledge of the impact of the opioid crisis on the Office of Child Support
Benefits and Compensation	Holly Woods	Director	Knowledge of the impact of the opioid crisis on the Office of Benefits and Compensation
Justice – Medical Examiner	Hugh Shannon	Administrator	Knowledge of the impact of the opioid crisis on the Office of the Medical Examiner
Justice – Public Safety and Justice Services	Brandy Carney	Director	Knowledge of the impact of the opioid crisis on the Office of Public Safety and Justice Services

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Department	Custodian	Title	Subject Matter
Justice – Public Safety and Justice Services	Melinda (Lindy) Burt	Deputy Director	Knowledge of the impact of the opioid crisis on the Office of Public Safety and Justice Services
Operations – Fiscal Office	Maggie Keenan	Director	Knowledge of the impact of the opioid crisis on the Fiscal Office
Operations – Fiscal Office	Wendy Feinn	Budget Analyst	Knowledge of the impact of the opioid crisis on the Fiscal Office
Operations – Treasurer	Patricia Cooney	Deputy Treasurer	Knowledge of the impact of the opioid crisis on the Office of the Treasurer
Operations – OBM	Maggie Kennan	Director	Knowledge of the impact of the opioid crisis on the Office of OBM
Drug Court	Molly Lechler	Drug Court Coordinator	Knowledge of the impact of the opioid crisis on the Drug Court
Corrections Planning Board	Martin Murphy	Assistant Director	Knowledge of the impact of the opioid crisis on the Office of Corrections
Corrections	Brian Ely	Substance Abuse Case Manager	Knowledge of the impact of the opioid crisis on the Office of Corrections
Drug Lab	Shannon Gray	Lab Manager	Knowledge of the impact of the opioid crisis on the Drug Lab
County Medical Examiner	Thomas Gilson, M.D.	Medical Examiner	Knowledge of the impact of the opioid crisis on the Office of the Medical Examiner
County Opiate Task Force	Vince Caraffi	Supervisor	Knowledge of the impact of the opioid crisis on the Opiate Task Force

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Department	Custodian	Title	Subject Matter
Corrections	Ken Mills	Director	Knowledge of the impact of the opioid crisis on the Office of Corrections

Also, Plaintiff identifies the following individuals:

Name	Department	Subject Matter
Scott S. Osiecki	ADAMHS Board Executive Director	Knowledge of the impact of the opioid crisis on ADAMHS
Terry Allan, MPH	County Board of Health Commissioner	Knowledge of the impact of the opioid crisis on the Board of Health

Plaintiff reserves the right to supplement and amend this response upon further investigation. In addition, discovery is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

Dated: July 2 , 2018

Respectfully submitted,

Plevin & Gallucci

/s Frank Gallucci

Frank Gallucci (0072680)
55 Public Square, Suite 2222
Cleveland, Ohio 44113
fgallucci@pglawyer.com
Phone: (216) 861-0804

Napoli Shkolnik PLLC

/s Hunter J. Shkolnik

Hunter J. Shkolnik (admitted *pro hac vice*)
Salvatore C. Badala (admitted *pro hac vice*)
Joseph L. Ciaccio (admitted *pro hac vice*)
360 Lexington Avenue
New York, New York 10017
hunter@napolilaw.com
sbadala@napolilaw.com
jciaccio@napolilaw.com
Phone: (212) 397-1000

Scott Elliot Smith L.P.A.

/s Scott Elliot Smith

Scott Elliot Smith (0003749)
5003 Horizons Dr., Suite 200
Columbus, Ohio 43220
Phone: (614) 846-1700
ses@sestrialaw.com

Thrasher Dinsmore & Dolan L.P.A.

/s Leo M. Spellacy, Jr.

Leo M. Spellacy, Jr. (0067304)
1111 Superior Avenue
Suite 412
Cleveland, Ohio 44114
Phone: (216) 255-5450

CERTIFICATE OF SERVICE

I, Salvatore C. Badala, certify that on this 2nd day of July 2018, I caused the foregoing to be served via electronic mail on Defendant's Liaison Counsel pursuant to the Case Management Order. *See* Dkt. No. 232.

s/Salvatore C. Badala

VERIFICATION


I, Robin Wilson, declare:

I am Chief Trial Counsel for the County of Cuyahoga, Ohio. I am authorized to make this verification on behalf of the Plaintiffs the County of Cuyahoga, Ohio and the State of Ohio *Ex Rel.* Prosecuting Attorney of Cuyahoga County, Michael C. O'Malley (together, "Plaintiff").

The foregoing Plaintiff's Responses and Objections to Distributor Defendants' Second Set of Interrogatories represents a municipal corporate response, based on information, in part, assembled by Plaintiff's employees and/or representatives. Because the matters stated in the document identified above constitute a corporate response, they are not all necessarily within my personal knowledge, or within the personal knowledge of any single individual. Subject to these limitations, the information contained in the foregoing response is, to the best of Plaintiff's knowledge, true and correct. Plaintiff reserves the right to make any changes should it appear that any omissions or errors have been made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Cuyahoga, Ohio on this 2nd day of July, 2018.


Robin Wilson